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NAS JACKSONVILLE  
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LETTER DISCUSSING LACK OF COMMUNICATION BETWEEN NAVY AND U S EPA  
REGION IV CONCERNING INSTALLATION RESTORATION PROGRAM NAS  
JACKSONVILLE FL  
2/18/1992  
U S EPA REGION IV



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.  
ATLANTA, GEORGIA 30365

FEB 18 1992

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

4WD-RCRA/FF

Mr. Joseph L. McCauley  
Deputy Director Environmental Division  
Department of the Navy - Southern Division  
Naval Facilities Engineering Command  
2155 Eagle Drive  
P.O. Box 10068  
Charleston, South Carolina 29411-0068

RE: Removals at Navy NPL Sites

Dear Mr. McCauley:

This letter is to bring to your attention the lack of communication between your office and the Environmental Protection Agency (EPA) Region IV, Federal Facilities Branch, Department of Defense Remedial Section (DoDRS) with regards to Installation Restoration Program work at Naval Facilities and to request your help in its remedy.

EPA fully understands that the Navy has lead authority for CERCLA actions pursuant to Executive Order 12580 and Section 120 of CERCLA/SARA. In implementing this authority, however, the Navy must comply with the NCP and ARARS. In addition, pursuant to Federal Facilities Agreements (FFAs) between the Navy, Florida Department of Environmental Regulation (FDER) and EPA, at Navy NPL sites, all three Parties agreed to work in a spirit of cooperation.

It has come to EPA's attention that the Navy is not complying with the letter or spirit of the NCP or the FFAs (allowing EPA the opportunity to provide timely review and comment) in the conduct of "Removal" activities as defined in the NCP or in the construction of new facilities (MILCON) in areas of known or suspected contamination. The FFAs require prior notification of such activities to EPA and the state except in emergencies under Section XI of the FFAs.

On two separate occasions EPA has discovered (not from Navy notification) IRP Military Construction (MILCON) projects at NAS Jacksonville (NAS JAX) which were subject to the NCP and the FFA requirements. In April 1991, a MILCON project was located at a SWMU identified under the NAS JAX RCRA/HSWA Permit (from which workplans and reports were to be submitted to satisfy both RCRA/HSWA Permit and CERCLA/SARA requirements). On January 16, 1992, EPA learned of a MILCON project located within an operable unit (OU) boundary (OU No.3). The location of the project within an OU requires the Navy to coordinate all activities with FDER and EPA.

*1093 This is a copy.*  
*182/11*  
*Original to 18.*  
*James,*  
*Need to discuss this with you. Ltr received after 2/24. Hackett's visit at 2/20. Was this discussed? Recommended response?*  
*J*

This latest MILCON project was discovered when EPA Washington, D.C., office contacted the Region regarding a liability issue, raised by the NAS JAX contractor's attorney. EPA was informed of the exact conditions at the OU approximately three days later, while attending a community relations meeting at NAS JAX.

This is not acceptable action with regards to coordination between the Navy, FDER and EPA and is not in the spirit of the FFA or the NCP. By directly violating the FFA and NCP, the Navy is potentially liable for enforcement actions.

If the Navy has a MILCON project that may impact a known or suspected area of contamination at an NPL site or a RCRA/HSWA permitted facility, the Navy must contact EPA and the state as early as possible to coordinate activities so that work can proceed without any regulatory holdups. The Regional staff will make every effort to assist the Navy upon timely notification and ensure that the project complies with all applicable regulatory requirements.

I and members of the DoDRS staff will be meeting with the NAVFACENGCOM Installation Restoration staff and Herb Fraser, Supervisor Petroleum UST Activities, on February 20, 1992. We hope to use this opportunity to meet with your staff to clarify any questions that they have with regards to these matters.

If you have any questions, please call Mr. Michael J. Hartnett, Acting Chief, Department of Defense Remedial Section, of my staff, at (404) 347-3016.

Sincerely yours,



Jon D. Johnston, Chief  
Federal Facilities Branch  
Office of RCRA & Fed. Fac.  
Waste Management Division

cc: Eric Nuzie, FDER  
Jorge Caspary, FDER  
James Malone, SOUTHNAVFACENGCOM  
David Criswell, SOUTHNAVFACENGCOM  
Herb Fraser, SOUTHNAVFACENGCOM  
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